

Benton, Marvin

From: Benton, Marvin
Sent: Thursday, March 03, 2016 12 39 PM
To: Motto, Brian
Cc: Peycke, Mark, Coltrain, Katrina, Nixon, Lance, Johnson, Lydia, Atkins, Blake
Subject: FW Bristow Refinery Litigation
Attachments: Kraft-Murphy Case SOL Delaware pdf

Tracking:	Recipient	Delivery	Read
	Motto, Brian	Delivered 3/3/2016 12 40 PM	
	Peycke, Mark	Delivered 3/3/2016 12 40 PM	Read 3/3/2016 1 09 PM
	Coltrain, Katrina	Delivered 3/3/2016 12 55 PM	
	Nixon, Lance	Delivered 3/3/2016 12 40 PM	Read 3/3/2016 1 15 PM
	Johnson, Lydia	Delivered 3/3/2016 12 40 PM	Read 3/3/2016 3 20 PM
	Atkins, Blake	Delivered 3/3/2016 12 40 PM	Read 3/3/2016 1 08 PM

Brian:

Hi ! We just spoke a few minutes ago.

I am working on the Wilcox Oil Super Fund Site located in Bristow, Creek County, Oklahoma.

One of the PRP's that we are looking at is EL Paso Energy Corporation. It was incorporated on April 17, 1998. EL Paso Energy Corporation changed its name to EL Paso Corporation on February 7, 2001.

On May 25, 2012 Kinder Morgan Incorporated completed its acquisition of EL Paso Corporation.

In January 2016 we here at Region VI sent a 104(e) request to Kinder Morgan, Inc In response to our request Kinder Morgan told us that EL Paso did have a trust and that it is still active with over 68 million dollars in value.

The attached Delaware case which was decided on November 26, 2013 basically holds that the statute of limitations for filing against a trust is no longer valid if that trust still exists

Is HQ's aware of the above attached Delaware case ? What is HQ's position on this case ?

9741611



Thanks,

Marvin Benton
Senior Staff Attorney
Superfund Legal Branch
Office Phone: 214-665-3190
benton.marvin@epa.gov

From: Coltrain, Katrina
Sent: Tuesday, September 29, 2015 9:03 AM
To: Benton, Marvin <Benton.Marvin@epa.gov>; Nixon, Lance <Nixon.Lance@epa.gov>
Subject: FW: Bristow Refinery Litigation

Marvin/Lance, please find attached a court case that has supposedly indicated that the statute of limitations for filing against a trust is no longer valid if that trust still exists. I have not read the court case, however, the attorney for the residents at Wilcox indicated as much. My understanding is that the trust still exists and the funds have not been distributed. If this is the case, then can we file against the trust?

Katrina Higgins-Coltrain
Remedial Project Manager
US EPA Region 6
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From: Lori VanWinkle [<mailto:lvnwinkle@thelawgroupokc.com>]
Sent: Monday, September 28, 2015 2:31 PM
To: Coltrain, Katrina
Cc: Michael Blaschke
Subject: Bristow Refinery Litigation

Hello Ms. Coltrain,

Mr. Blaschke asked that I provide you with the attached case. Should you have any questions, please feel free to contact our office.

Thank you,

Lori J. Van Winkle
Paralegal
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